



PREVENTING VIOLENCE
AND DEVELOPING
YOUTH LEADERS

March 30, 2016

Fair Employment and Housing Council
c/o Brian Sperber, Legislative & Regulatory Counsel
Department of Fair Employment and Housing
320 West 4th Street, 10th Floor
Los Angeles, CA 90013

Via E-mail: fehcouncil@dfeh.ca.gov

RE: Comments in Support of the FEH Council's Proposed Regulations on Criminal Background Checks for Employment

Dear Mr. Sperber:

Thank you for the opportunity to submit comments on the Fair Employment and Housing Council's proposed regulations on the consideration of criminal history in employment decisions. As detailed below, Youth ALIVE! strongly supports the Council's actions clarifying the employment rights of people with arrest and conviction records under California's civil rights laws. In addition, we recommend several improvements that will complement and expand on these timely protections.

Youth ALIVE! is a violence prevention and intervention organization that helps young people become leaders and advocates for the change they would like to see in their communities through our Teens on Target Program, mentors and supports healing for young people who have been violently injured through our Caught in the Crossfire program, and works with families grieving in the wake of a homicide through our Khadafy Washington Project. Our clients often struggle with employment and housing as they are trying to move forward and make positive changes in their lives.

Youth ALIVE! commends the Council for its actions to implement strong regulations to reduce discrimination against people of color who are disproportionately denied employment due to criminal background checks. People of color in California have been hardest hit by decades of excessive law enforcement measures that have produced record rates of arrests, convictions, and incarceration. African Americans are nearly 4 times more likely to be arrested for a felony than whites and nearly 11 times more likely to be incarcerated in the state's prisons. Latinos in California are also significantly overrepresented at all levels of the criminal justice system.

Responding to these racial and ethnic disparities and the vast expansion of criminal background checks for employment, in 2012 the U.S. Equal Employment Opportunity Commission (EEOC) issued Enforcement Guidance to implement the protections of Title VII of the Civil Rights Act of 1964. The EEOC Guidance clarifies the "disparate impact" of criminal background checks on people of color and details the best practices for employers to limit discrimination in the hiring process due to criminal background checks. The EEOC made clear that job applicants seeking to make a showing of the disparate impact of criminal records exclusions may rely on national statistics on racial and ethnic disparities in arrest, conviction, and incarceration rates.

Youth ALIVE is a 501c3 nonprofit organization. Our Tax ID is 94-3143254.

YOUTH ALIVE
3300 Elm Street
Oakland, CA 94612
Tel: (510) 594-2511
Fax: (510) 594-0611
mail@youthalive.org
www.youthalive.org

HONORARY
ADVISORY COUNCIL

ANTONIO VILLARAIGOS
Former Mayor of Los Angeles

DIANNE FEINSTEIN
United States Senator

EDWARD JAMES OLMO
Acting

AL JARRETT
Singer/Musician

BOARD OF DIRECTORS

PHILLIP S. CHAN
Principal
Redondo Surgical
Los Angeles, CA

ALISA DEWITT
Consultant
Resources Global Professionals
San Francisco, CA

DAVID E. DURAN
General Counsel
Blackhawk Network
Pleasanton, CA

ANGELA JENKINS
Director
N. Cal Community Benefit Fund
Program
Kaiser Permanente
Oakland, CA

MICHAEL NIEMI
Deputy District Attorney
Alameda County
District Attorney's Office
Oakland, CA

ELIZABETH SEKEF
Clinic Director
Lyon-Martin Health Services
San Francisco, CA

SIARA SPRIGGS
Residential Counselor
The Refugee, Inc.
Oakland, CA

LA'BAN WADE
Student
UC Berkeley

STAN WEISBERG
Director Behavioral and
Biological Sciences
UC Berkeley Extension
Berkeley, CA

GREGORY VICTORIN
Chief, Division of Trauma
Alameda Health System
Oakland, CA

ANNE C. MARSH
Executive Director
Youth ALIVE
Oakland, CA